

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACEY WARFIELD,

Plaintiff,

Hon. Gordon J. Quist

v.

Case No. 1:11-cv-00754

RICHARD ZYCH,

Defendant.

/

REPORT AND RECOMMENDATION

On October 30, 2012, the Court entered a notice setting a settlement conference between Plaintiff and the remaining Defendant in this matter for November 19, 2012. On October 31, 2012, a copy of the order was sent to Plaintiff. On November 19, 2012, at the scheduled time for the conference, Plaintiff did not appear. Nor did Plaintiff contact the court. After waiting a significant amount of time, the court noted on the record the failure of Plaintiff to appear and advised Defendant Richard Zych that a Report and Recommendation that the matter be dismissed would issue.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's final opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: November 19, 2012

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).